

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALAN SCHMIDT,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN A. SKOLAS, et al.,	:	No. 12-3265
Defendants.	:	

ORDER

AND NOW, this 12th day of August, 2013, upon consideration of Defendants Biotechnology Value Fund, Inc. and Mark Lampert's Motion to Dismiss Plaintiff's Amended Complaint, Defendants Robert DeLuccia, David Luci and Dipexium Pharmaceuticals' Motion to Dismiss, Access Defendants' Motion to Dismiss, Motion of Ohr Pharmaceutical, Inc. Joining and Supplementing Motions to Dismiss the Amended Verified Complaint, Defendants Xmark Capital Partners, LLC's and Mitchell D. Kaye's Motion to Dismiss Plaintiff Alan W. Schmidt's Amended Complaint, Director and Officer Defendants' Motion to Dismiss the Amended Complaint, Ligand Defendants' Motion to Dismiss Plaintiff's Amended Complaint, Defendants Argyce LLC's and John A. Skolas's Motion to Dismiss the Amended Complaint, Plaintiff's responses thereto, and Defendants' replies thereon, and following oral argument on July 10, 2013, and upon consideration of Plaintiff's Motion to Strike Defendants' Exhibits to the Motions to Dismiss the Amended Complaint, and Defendants' responses thereto, and for the reasons stated in the Court's Memorandum dated August 12, 2013, it is hereby **ORDERED** that:

1. BVF Defendants' motion to dismiss (Document No. 63) is **GRANTED**.
2. Dipexium Defendants' motion to dismiss (Document No. 64) is **GRANTED**.
3. Access Defendants' motion to dismiss (Document No. 65) is **GRANTED**.

4. Defendant Ohr's motion to dismiss (Document No. 66) is **GRANTED**.
5. The motion (Document No. 67) is **DENIED as moot**.
6. Xmark Defendants' motion to dismiss (Document No. 68) is **GRANTED**.
7. D&O Defendants' motion to dismiss (Document No. 69) is **GRANTED**.
8. Ligand Defendants' motion to dismiss (Document No. 70) is **GRANTED**.
9. Trustee Defendants' motion to dismiss (Document No. 71) is **GRANTED**.
10. Plaintiff's motion to strike (Document No. 82) is **GRANTED** as to the exhibits attached to Document No. 64, and is otherwise **DENIED as moot**.
11. The Clerk of Court is directed to close this case.

BY THE COURT;



Berle M. Schiller, J.